



Tenant Hotline  
Phone: 612-728-5767  
Online: [homelinemn.org/email](mailto:homelinemn.org)

# Minnesota Landlord/Tenant Law During the COVID-19 Pandemic

October 28, 2020 – 1:30-3:00pm

Andrea Palumbo and Leah DeGrazia

Managing Attorney & Tenant Hotline Director Michael Vraa  
Executive Director Eric Hauge

# What is HOME Line?

- HOME Line is a statewide nonprofit organization providing free legal, educational, and advocacy services to Minnesota renters. We have advised approximately 250,000 renters since 1992.
- Our primary program is a free and confidential legal hotline any Minnesota renter can contact us to receive legal advice specific to their situation, in 4 languages.
- HOME Line has a staff of 20, including attorneys, tenant advocates, and tenant organizers. We also rely on volunteers and interns.



# HOME Line COVID-19 Resources & Webinars

Wednesday, 11/18/2020, 1:30-3:00pm

**Lawrence McDonough**

Senior Minnesota Counsel, National Anti-Eviction Project,  
Lawyers' Committee for Civil Rights Under Law

**Eviction Moratorium: Training Lawyers to Represent Tenants Pro  
Bono when the Eviction Wave Hits**

90 minutes, including Q & A  
Applying for 1.5 CLE credit

Registration for the 11/18 webinar on our website:  
*homelinemn.org* — “COVID-19” tab at top right



# Webinar Logistics

- Format
- CLE Credit
- Questions
- Materials
- Recording



# When will MN evictions be filed again?

- Minnesota Moratorium - Governor's Executive Orders
  - 20-14 - moratorium on evictions for nonpayment
  - 20-73 - tweaked previous executive order
  - 20-79 - rescinded EO 20-73 - in effect until Nov. 12, 2020 (Current end of Peacetime Emergency)
- CARES Act
- Federal Prohibition - CDC order
  - Does not apply to MN at this time
  - Extends through Dec. 31, 2020



# Minnesota Evictions During the Pandemic

Andrea Palumbo, Housing Attorney

&

Leah DeGrazia, Tenant Advocate, Saeks Public Interest  
Residency Program

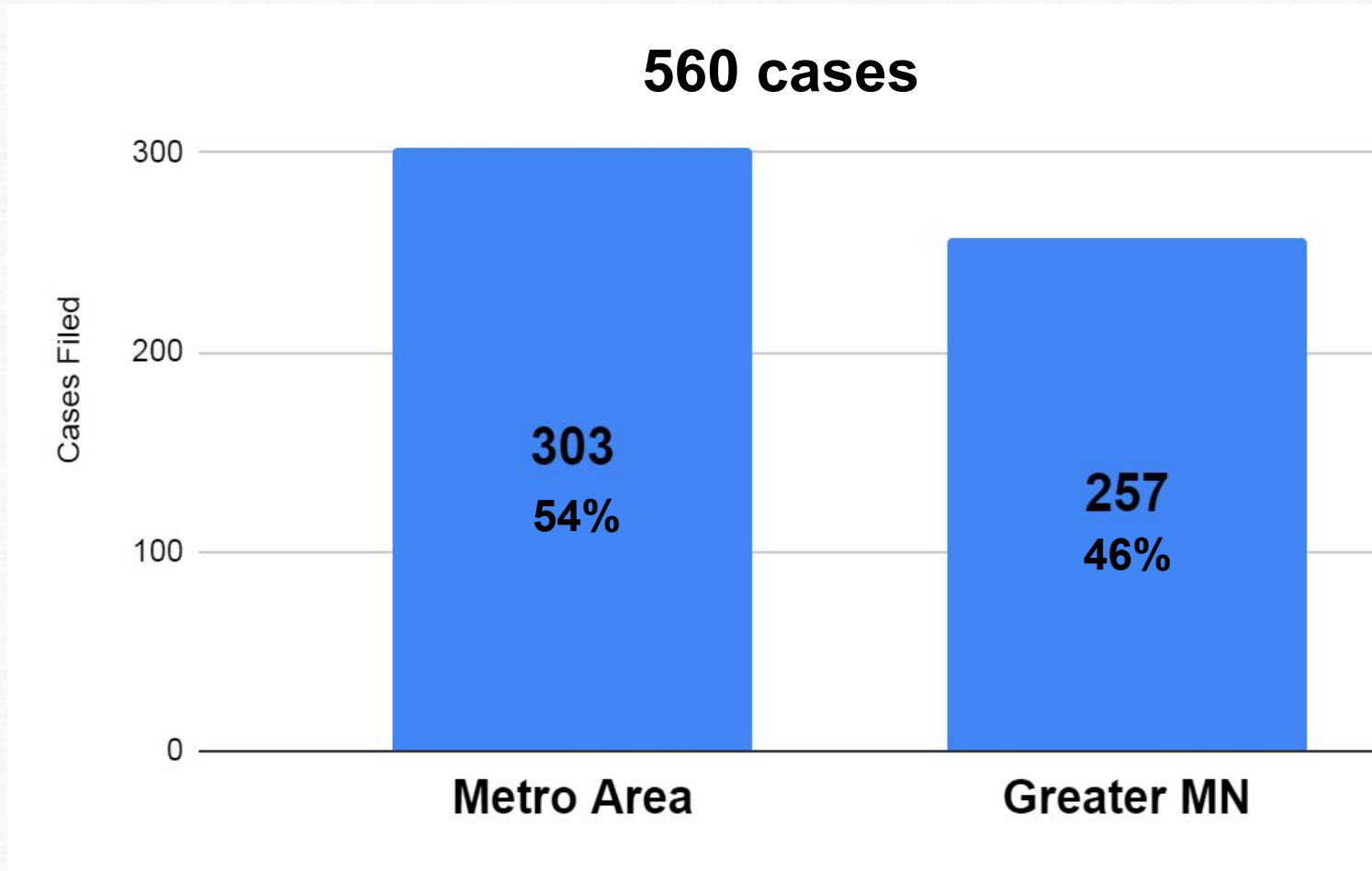


# Methodology

- Reviewed publicly available records of residential eviction cases filed after March 23 through October 16
- Reviewed 560+ cases looking for records from all 87 counties over 25+ hours
- Classified cases by reasons for filing, hearing scheduled, results of hearing, ultimate results in case
- These are preliminary numbers and results
- Web address for public court records MNCIS: <http://pa.courts.state.mn.us/default.aspx>

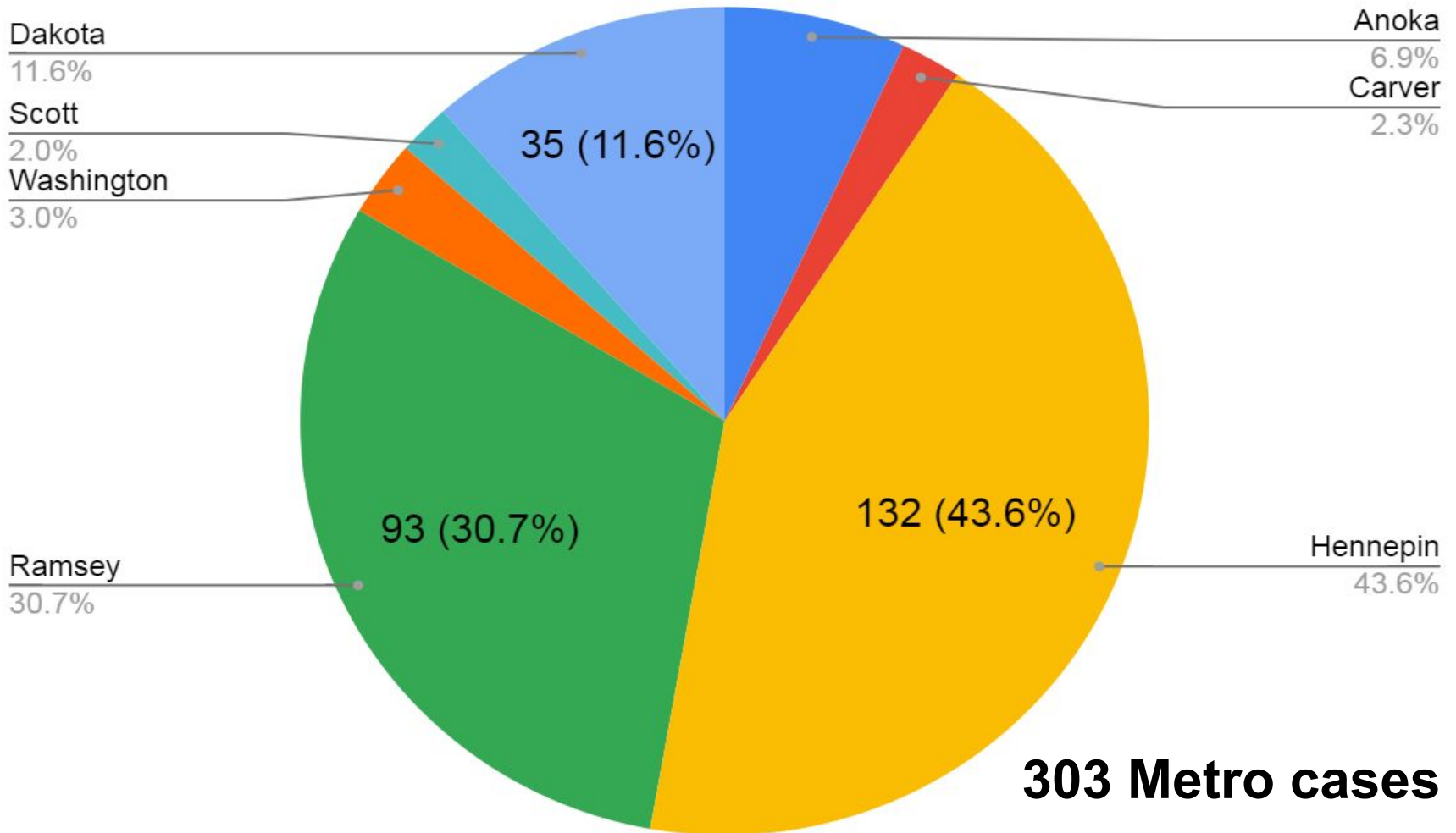
# Total cases

## 3/23/20 - 10/16/20

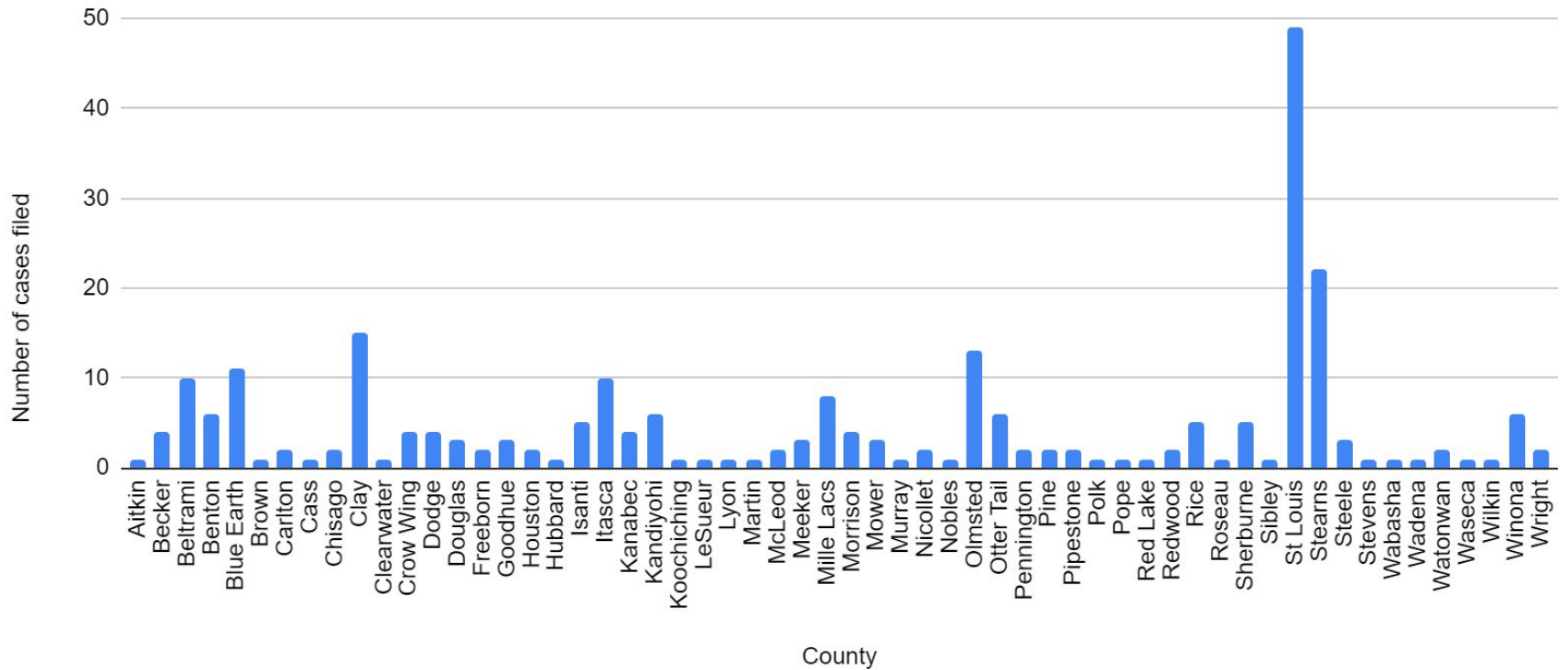




# Metro Area Cases

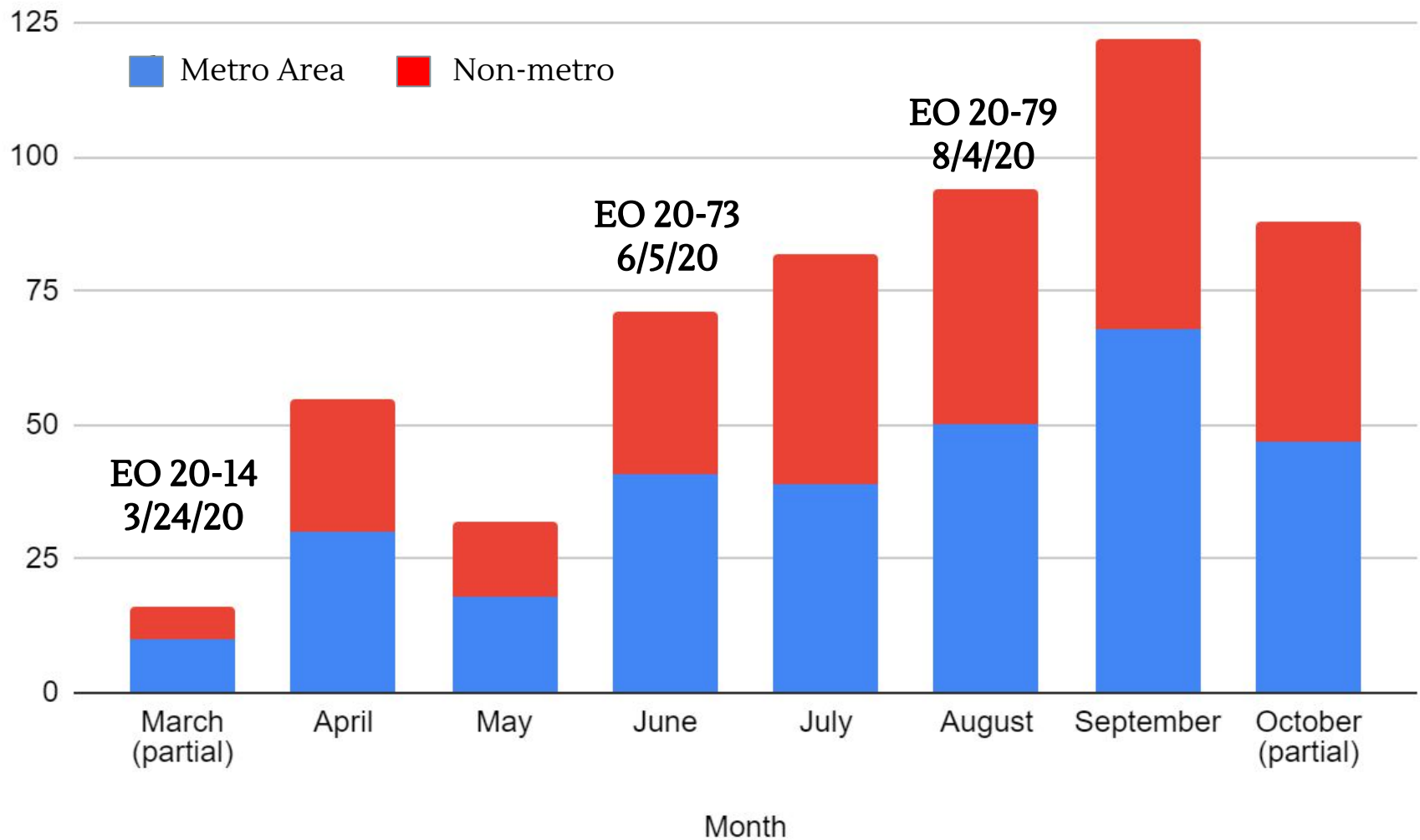


# Greater MN Cases

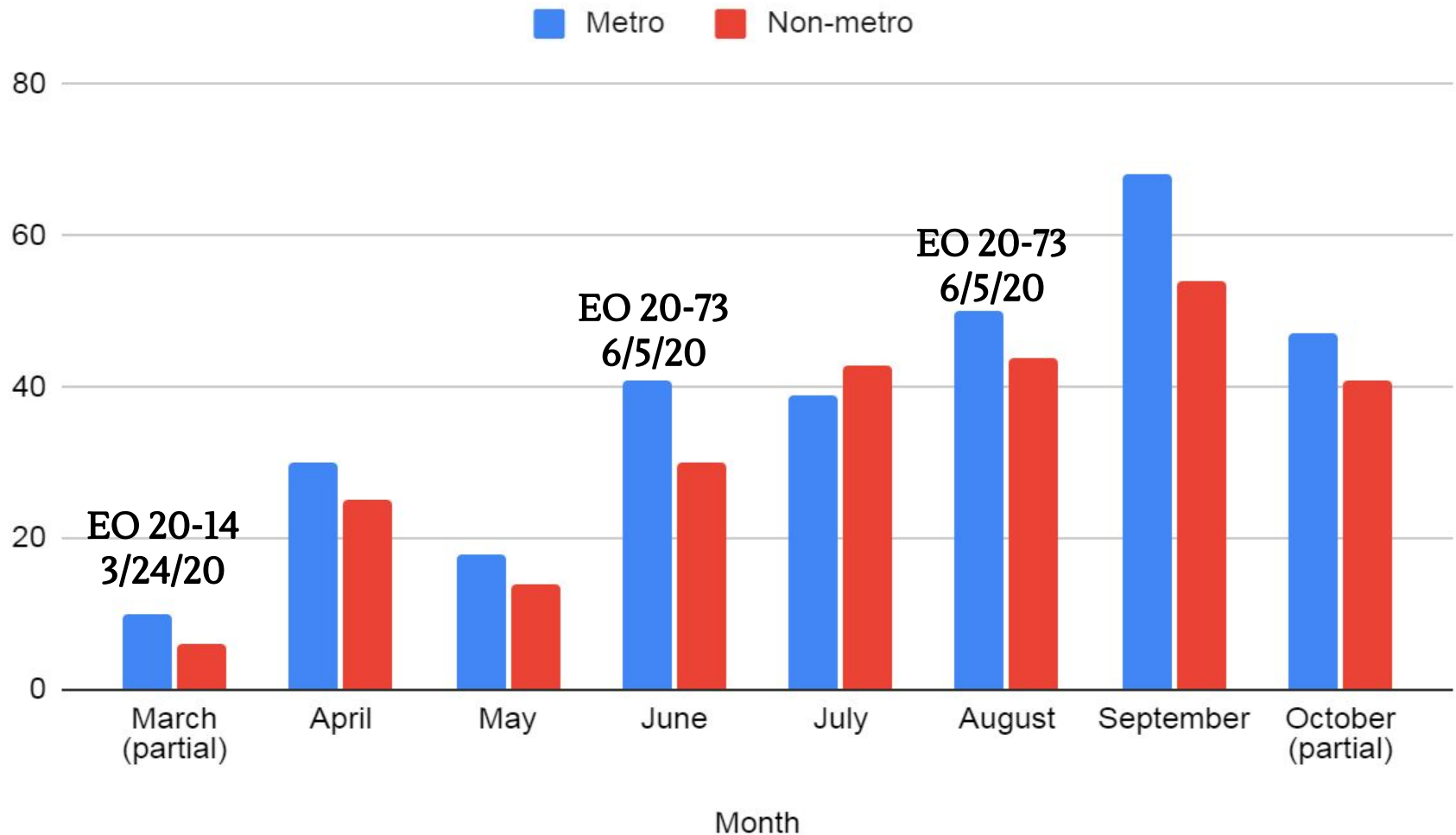


**257 Greater MN cases**

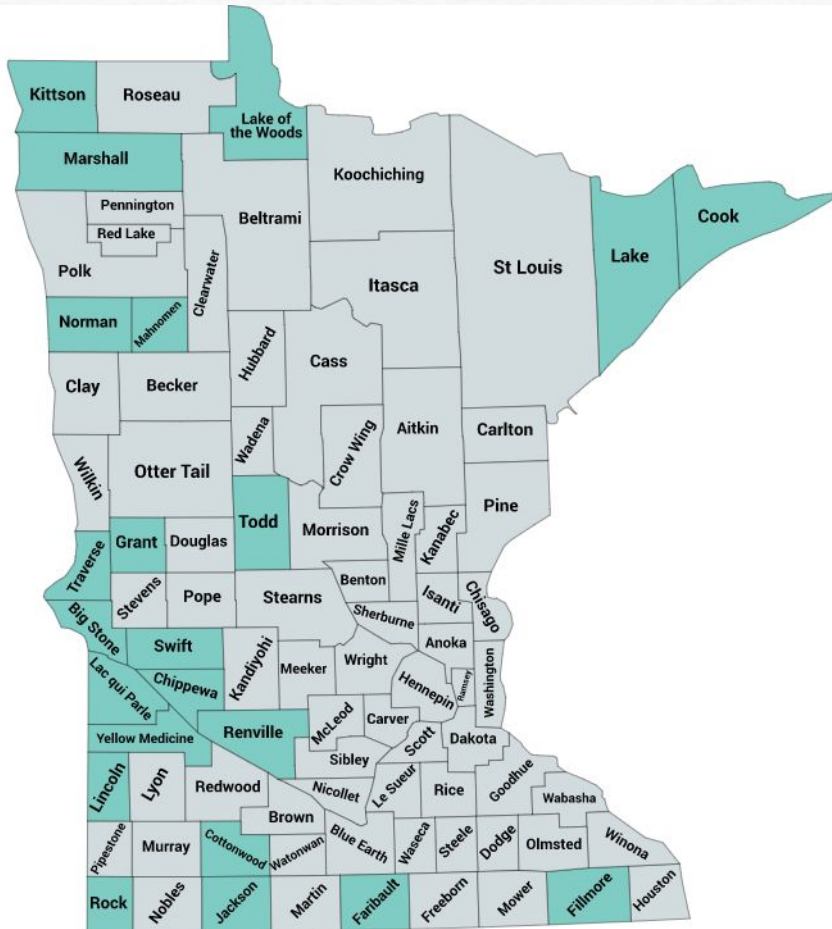
# When were cases filed



# Where were cases filed



# Counties with NO cases filed



Counties with no filings are in blue

- |               |                   |
|---------------|-------------------|
| Big Stone     | Lake of the Woods |
| Chippewa      | Lincoln           |
| Cook          | Mahnomen          |
| Cottonwood    | Marshall          |
| Faribault     | Norman            |
| Fillmore      | Renville          |
| Grant         | Rock              |
| Jackson       | Swift             |
| Kittson       | Todd              |
| Lac qui parle | Traverse          |
| Lake          | Yellow Medicine   |

# Eviction hearing results

The majority of the filings that scheduled a hearing resulted in the landlord prevailing or in settlement.

Of those dismissed, the majority were dismissed without prejudice due to a service or administrative error.

- Many dismissed for failure to give 7 day notice of intent to file eviction



# What types of cases are being heard/dismitted?

Illegal Activity (primarily drug use or possession)

Endangering Other Tenants or Residents

Significant Damage to Property

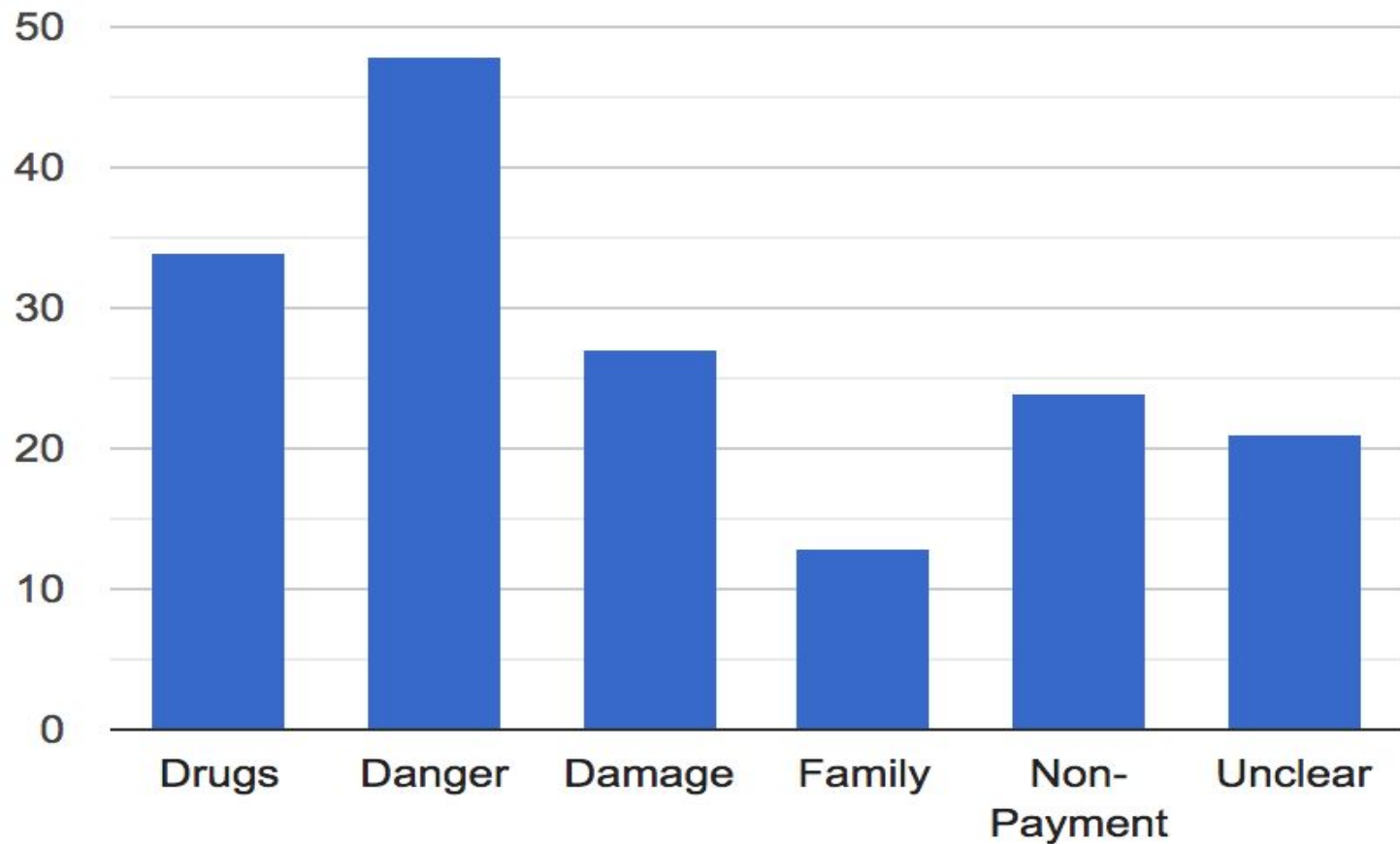
Landlord or Family Moving In

Dismitted: Non-Payment - pandemic event, administrative error such as a bad service



# Hennepin County Breakdown

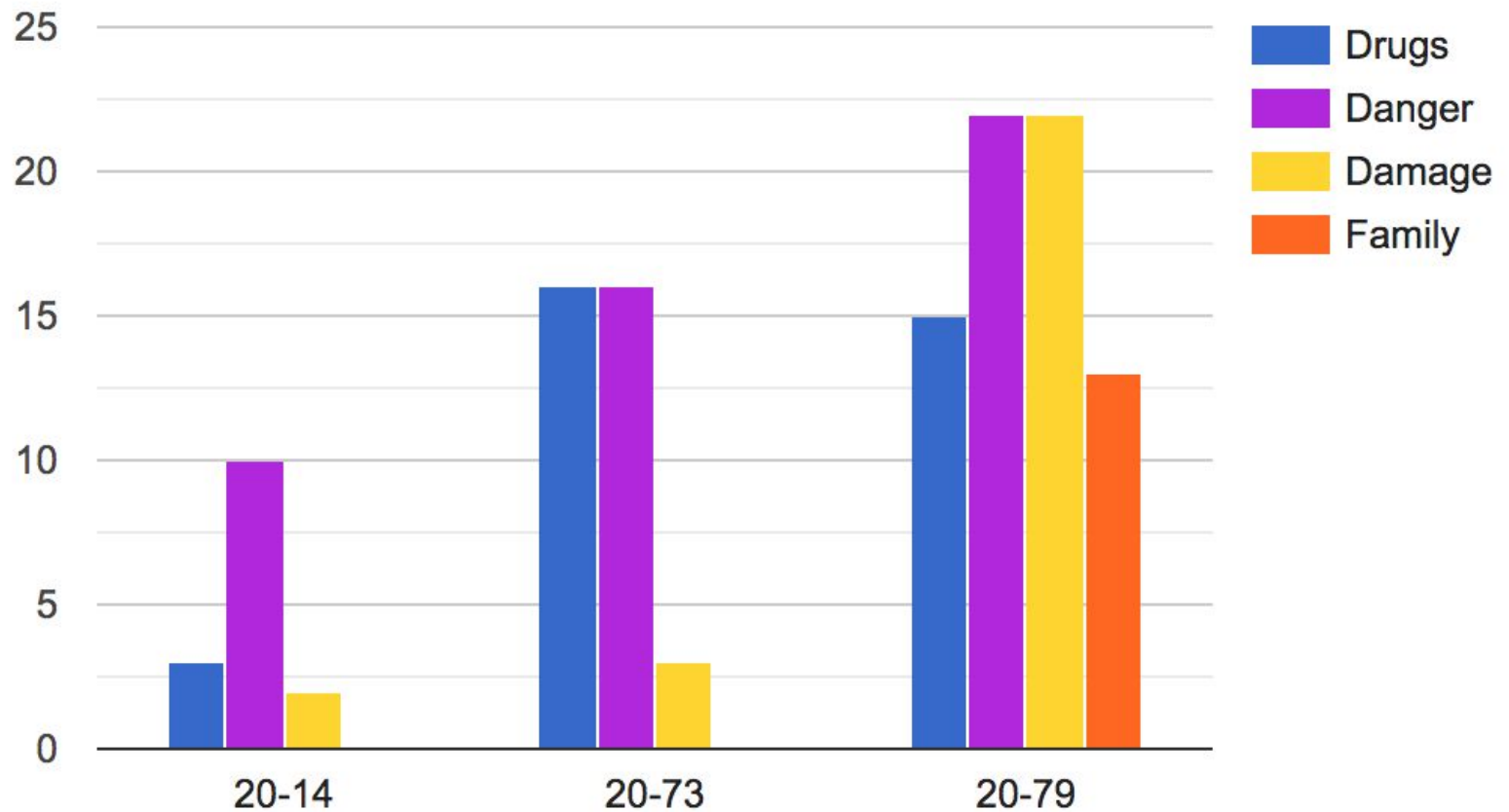
**Reasons for Eviction**





# Exceptions Over Time

Reasons for Eviction



# Illegal Activity 504B.171

## Illegal Activity (primarily drug use)

- Consistent filings for illegal drugs, paraphernalia, and firearms throughout moratorium, though seldom sole reason for filing.
- Typically paired with non-payment or endangering safety of others.
- Some instances where drug use appears to be pretext for what is really a non-payment filing.



# Endangering Others

## Endangering Safety of Others

- Most common reason for eviction
- Broad interpretations of what this entails and very fact-dependent, subjective
- Examples include: shootings, stabbings, fights, serious threats of bodily harm to staff or other residents, domestic violence incidents
- Almost always resulted in an eviction



# Damage to Property

Breach - Significant Damage to Property: EO 20-73

- Steady increase in claims August - October
- Often paired with other claims like non-payment or illegal drug use
- Damage must be **significant**
  - fact-dependent, often hand-in-hand with danger to others
  - a few cases of dismissal without prejudice where property damage not “significant”



# Family Move-In

## Landlord Family Move-in Exception: EO 20-79

- Only available after proper notice under lease
- Steady increase in use from August to October
- Often paired with other reasons, i.e. illegal activities or non-payment
- Many cases settled
- Many cases dismissed without prejudice for failure to provide proper 7 day notice of intent to file - indicates confusion about requirements



# What happens when moratorium is lifted

- Hennepin County: 450-550 new eviction filings each month (2019) - estimated 4000 cases waiting for moratorium to be lifted, majority of these are in Minneapolis (HOME Line Webinar, 7/15/2020)
- Greater MN: 1333 cases filed each month over 10,000 possible cases (HOME Line Evictions in Greater MN, 2017)
- Bulk of these cases will be filed at the same time





## Q & A

**Link to public court records (MNCIS):**

<http://pa.courts.state.mn.us/default.aspx>

**HOME Line Tenant Hotline: 612-728-5767 / 866-866-3546**

- Para Español, llame al 612-255-8870.
- Af- Soomaali wac 612-255-8860.
- Hais lus Hmoob, Hu 612-255-7104.
- Online: *homelinemn.org/email*

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Thank You